

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

CAROLYN MARIE MOODY
TX-1324186-G

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DOCKETED COMPLAINT NO.
11-276 & 11-347

AGREED FINAL ORDER

On the 17 day of May, 2013, the Texas Appraiser Licensing and Certification Board, (the "Board"), considered the matter of the license of Carolyn Marie Moody (the "Respondent").

In order to conclude this matter, Respondent denies the truth of the Findings of Fact and Conclusions of Law contained herein but agrees to the disciplinary action set out in this Agreed Final Order in order to avoid the costs of litigation.

FINDINGS OF FACT

1. Respondent is a Texas state certified general real estate appraiser who holds license number TX-1324186-G, and was licensed by the Board during all times material to the above-noted complaints.
2. Respondent appraised real property located at:
 - a. 1753 County Road 2330, Pittsburg, Texas 75686 (the "1753 Property"); and
 - b. 506 Greenhill Park Avenue, Mount Pleasant, Texas 75455 (the "506 Property") (collectively, the "Properties").
3. Thereafter two complaints were filed with the Board. The complaints alleged Respondent produced appraisal reports for the Properties that did not conform to the Uniform Standards of Professional Appraisal Practice ("USPAP"), TEX. OCC. CODE CHPT. 1103 (the "Act") and 22 TEX. ADMIN. CODE CHPT. 153 and 155 (the "Rules").
4. Thereafter the Board notified Respondent of the nature of the allegations involved and Respondent was afforded an opportunity to respond to the allegations in the complaints. Respondent was also requested to provide certain documentation to the Board, which she submitted to the Board.
5. Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(6) and 155.1(a) by the following acts or omissions which did not conform to USPAP, in effect at the time of the appraisal reports for the properties:
 - a) USPAP Ethics Rule (Record Keeping) – Respondent violated the Ethics Rule because she communicated assignment results in a misleading manner through the

- a) USPAP Ethics Rule (Record Keeping) – Respondent violated the Ethics Rule because she communicated assignment results in a misleading manner through the omission and commission of errors that significantly affect the results and conclusions in the reports and she failed to maintain work files containing all data, information and documentation necessary to support her opinions, analyses and conclusions as required by the record keeping provision;
- b) USPAP Standards 1-2(e)(i) & 2-2(iii) – Respondent failed to adequately identify and report the site description and misrepresented the reported improvement(s) description adequately;
- c) USPAP Standards 1-2(e)(iv) & 2-2(viii) – Respondent failed to consider and report easements, restrictions, encumbrances, leases, reservations, covenants, contracts, declarations, special assessments, ordinances, and/or other items of a similar nature;
- d) USPAP Standards 1-3(a) & 2-2(b)(viii); 1-1(b) – Respondent failed to identify and analyze factors affecting marketability (such as economic supply and demand, and market area trends), as she failed to provide documentation and supporting data pertaining to the property's neighborhood characteristics;
- e) USPAP Standards 1-3(b) & 2-2(b)(ix) – Respondent has failed to provide in her reports a brief summary of her rationale for her determination of the properties' highest and best use;
- f) USPAP Standards 1-4(b)(i) & 2-2(viii) – Respondent failed to use an appropriate method or technique to develop an opinion of the site value in her appraisals or workfiles;
- g) USPAP Standards 1-4(b)(i) & 2-2(b)(viii); 1-1(a) & 1-4(b) – Respondent failed to use an appropriate method or technique to develop an opinion of site value determination, and did not provide supporting documentation or data for her determination, and no summary of her analysis and supporting rationale, for the site value determination;
- h) USPAP Standards 1-4(b)(ii) & 2-2(viii) – Respondent has failed to collect, verify, analyze, and reconcile the cost of new improvements;
- i) USPAP Standards 1-4(b)(ii) & 2-2(b)(viii); 1-1(a) & 1-4(b) – Respondent failed to provide documentary support or the required analysis for her determination of the cost new of improvements, failed to employ recognized methods and techniques;
- j) USPAP Standards 1-4(a) & 2-2(b)(viii); 1-1(a) & 1-4(a) – Respondent has failed to collect, verify, analyze and reconcile comparable sales data adequately and has not employed recognized methods and techniques in her sales comparison approach;

- k) USPAP Standards 2-2(viii) – Respondent failed to explain and support the exclusion of income approach;
 - l) USPAP Standards 1-5(b) & 2-2(viii) – Respondent failed to analyze all sales of the subject within three years prior to the effective date of the appraisal;
 - m) USPAP Standards 1-6(a) & (b) & 2-2(viii) – Respondent failed to reconcile the quality and quantity of the data within the approaches used, and the applicability and/or suitability of the approaches;
 - n) USPAP Standards 1-1(a) – Respondent failed to be aware of or understand and correctly employ recognized methods and techniques to produce a credible appraisal;
 - o) USPAP Standards 1-1(b) – Respondent failed to comply by committing a substantial error of omission and/or commission that significantly affects the appraisal;
 - p) USPAP Standards 1-1(c) – Respondent failed to comply by rendering appraisal services in a careless and/or negligent manner;
 - q) USPAP Standards 2-1(a) – Respondent failed to present the appraisal report clearly and accurately in a manner that is not misleading;
 - r) USPAP Standards 2-1(b) – Respondent failed to provide sufficient information in their report to enable the intended users of the appraisal to understand the report properly.
6. Respondent made material misrepresentations and omissions of material fact with respect to her appraisal of the properties as detailed above.
7. The parties enter into this consent order (the "Order") in accordance with TEX. OCC. CODE § 1103.458.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103.
2. Respondent violated the above-noted provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(6).
3. The parties are authorized to resolve their dispute by means of a consent order in accordance with Tex. Occ. Code §1103.458.

ORDER

Based on the above findings of fact and conclusions of law, the Board **ORDERS**:

1. **EDUCATION.** On or before March 17th, 2014, Respondent shall submit documentation of attendance and successful completion of the classes set out below to the Board. All classes required by this Order must be classes approved by the Board. Unless otherwise noted below, all classes must require in-class attendance. If the class requires an exam, Respondent must receive a passing grade on the exam. None of the required class hours will count toward Respondent's continuing education requirements for licensure. **Respondent is solely responsible for locating and scheduling classes to timely satisfy this Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion of the course in the event of course cancellation or rescheduling by the course provider.**
 - a. A classroom course in Highest and Best Use and Market Data Analysis, a minimum of seven (7) class hours, on or before March 17th, 2014;
 - b. A classroom course in Residential Sales: The Adjustment Process, a minimum of seven (7) class hours, on or before March 17th, 2014; and
 - c. A classroom course in Site Valuation, a minimum of seven (7) hours, on or before March 17th, 2014.
2. **MENTORSHIP.** On or before May 17th, 2014, and only after completion of the aforementioned Education, Respondent shall complete eight (8) hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board in accordance with the schedule and topics set out below. Respondent shall submit a certification of completion signed by the approved certified USPAP instructor on or before the due date listed for each mentorship requirement. **Respondent is solely responsible for locating and scheduling an approved mentor to timely satisfy this**

Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion.

- a. Eight (8) hours of mentorship concerning the above noted violations in the findings of fact, on or before May 17th, 2014.
3. Fully and timely comply with all of the provisions of this Agreed Final Order; and,
4. Comply with all future provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

IF RESPONDENT FAILS TO TIMELY COMPLY WITH ANY TERMS IN THIS AGREED FINAL ORDER, WHICH HAS A SPECIFIC, STATED DUE DATE, RESPONDENT SHALL BE ASSESSED A \$1,000 ADMINISTRATIVE PENALTY AND RESPONDENT'S LICENSE, CERTIFICATION, AUTHORIZATION OR REGISTRATION SHALL BE SUSPENDED, UNTIL RESPONDENT IS IN FULL COMPLIANCE WITH THE TERMS OF THIS ORDER AND THE \$1,000 ADMINISTRATIVE PENALTY HAS BEEN RECEIVED BY THE BOARD.

ANY SUCH SUSPENSION AND ADMINISTRATIVE PENALTY SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE TEXAS APPRAISER LICENSING AND CERTIFICATION ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS.

RESPONDENT, BY SIGNING THIS AGREED FINAL ORDER, WAIVES THE RESPONDENT'S RIGHT TO A FORMAL HEARING, ANY MOTION FOR REHEARING, AND ANY RIGHT TO SEEK JUDICIAL REVIEW OF THIS AGREED FINAL ORDER. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's web site.

Respondent is solely responsible for timely delivery to the Board of all documents and payments necessary for compliance of this Agreed Final Order. Payment of any administrative penalties due must be in the form of a cashier's check or money order made payable to the Texas Appraiser Licensing and Certification Board. Respondent shall retain documentation (reply email, fax confirmation, return receipt, etc.) confirming receipt by the Board of all the necessary documents.

Respondent shall send all documents and payments necessary for compliance by: (1) email to compliance.talcb@talcb.texas.gov, (2) fax to (512) 936-3966, attn: Compliance, or (3) certified mail return receipt requested to Standards & Enforcement Services, Texas Appraiser Licensing & Certification Board, Stephen F. Austin Building, 1700 N. Congress Ave., Suite 400, Austin, TX 78701.

I HAVE READ AND REVIEWED THIS ENTIRE AGREED FINAL ORDER FULLY AND AM ENTERING INTO IT OF MY OWN FREE WILL TO AVOID THE EXPENSE OF LITIGATION AND TO REACH AN EXPEDITIOUS RESOLUTION OF THE MATTER. I NEITHER ADMIT NOR DENY THAT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED HEREIN ARE CORRECT. I UNDERSTAND ALL OF MY COMPLIANCE OBLIGATIONS UNDER THIS AGREED FINAL ORDER AND THE CONSEQUENCES FOR FAILING TO COMPLY WITH THOSE OBLIGATIONS.

I UNDERSTAND THAT THE BOARD AND ITS STAFF CANNOT PROVIDE ME WITH LEGAL ADVICE. I AM AWARE OF MY RIGHT TO A HEARING AND TO BE REPRESENTED BY AN ATTORNEY OF MY OWN CHOOSING, AND HEREBY WAIVE BOTH AND ALSO WAIVE ANY RIGHT TO SEEK JUDICIAL REVIEW OF THIS AGREED FINAL ORDER, INCLUDING FOR ANY SUBSEQUENT ACTION RESULTING FROM MY FAILURE TO TIMELY COMPLY WITH AN ADMINISTRATIVE REQUIREMENT OF THIS AGREED FINAL ORDER, SUCH AS PAYMENT OF A PENALTY, COMPLETION OF COURSEWORK OR FAILURE TO PROVIDE LOGS.

This agreement may be executed in one or more counterparts, in form of electronic mail, facsimile, or other written expression of agreement, each of which shall be deemed an original and together shall comprise evidence of full execution of the agreement.

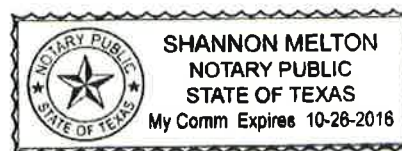
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 15th day of March, 2013.

Carolyn Marie Moody
CAROLYN MARIE MOODY

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 15th day of March, 2013, by CAROLYN MARIE MOODY, to certify which, witness my hand and official seal.

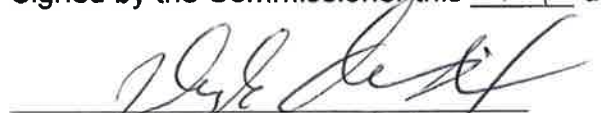
Shannon Melton
Notary Public Signature
Shannon Melton
Notary Public's Printed Name




Signed by the Standards and Enforcement Services Division this 15 day of March, 2013.


Mark Mrnak, TALCB Staff Attorney

Signed by the Commissioner this 17 day of May, 2013.


Douglas Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 17 day of May, 2013.


Walker Beard, Chairperson
Texas Appraiser Licensing and Certification Board